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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No.: 2:18-cr-00398-APG-NJK
vs.	)	
	)	STIPULATION TO CONTINUE
AUSTIN ROONEY,	)	SENTENCING DATE
	)	
	)	(FIRST REQUEST)
Defendant.	)	
	)	

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*Certification:* This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Truntanich, United States Attorney, and Kevin D. Schiff, Assistant United States Attorney, counsel for the United States of America, and Gabriel L. Grasso, Esq, counsel for AUSTIN ROONEY (ROONEY), that the sentencing hearing currently scheduled for June 11, 2020, at 2:00 p.m., be vacated and continued to a date and time convenient to this court, but no event earlier than NINETY (90) days.

Pursuant to General Order No. 2007-04, this stipulation is entered and based upon the following:

1. ROONEY is on pretrial release, employed full time, and does not oppose this continuance.
2. The parties agree to the continuance.
3. The parties have agreed that based upon the effects of the Pandemic on all aspects of court procedure, as well as BOP virus containment efforts, a 90-day postponement of the sentencing is in order. The PSR in this case contemplates a prison

1 sentence, and based upon ROONEY'S current pretrial release and employment situation,  
2 a delay of possible incarceration is in all parties best interest.

3 4. Denial of this request for continuance would deny the defense sufficient time to be  
4 able to assist in defendant's sentencing and file a Sentencing Memorandum with the  
5 court.

6 5. This is the first request for a continuance of the sentencing date in this case.

7 DATED this 22<sup>nd</sup> day of May, 2020.

8 RESPECTFULLY SUBMITTED BY:

9  
10 /s/ Kevin D. Schiff  
11 KEVIN D. SCHIFF  
12 Assistant United States Attorney

/s/ Gabriel L. Grasso  
GABRIEL L. GRASSO  
Attorney for ROONEY

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN ROONEY,

Defendant.

Case No.: 2:18-cr-00398-APG-NJK

STIPULATION TO CONTINUE  
SENTENCING DATE

(FIRST REQUEST)

**FINDINGS OF FACT**

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties have agreed that based upon the effects of the Pandemic on all aspects of court procedure, as well as BOP virus containment efforts, a 90 day postponement of the sentencing is in order. The PSR in this case contemplates a prison sentence, and based upon ROONEY'S current pretrial release and employment situation, a delay of possible incarceration is in all parties best interest.
2. ROONEY is on pretrial release and does not oppose to the continuance.
3. The parties agree to the continuance.

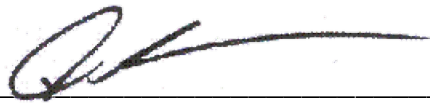
**CONCLUSIONS OF LAW**

Denial of this request for continuance would result in a miscarriage of justice.

**ORDER**

**IT IS ORDERED** that the sentencing hearing currently scheduled for June 11, 2020, at 2:00 p.m., be vacated and continued to September 8, 2020 at 9:30 a.m. in Courtroom 6C.

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

DATED: May 26, 2020